

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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STEELCASE INC., a Michigan  
corporation,

Plaintiff,

Case No. 1:04CV0026

v.

Honorable Robert Holmes Bell  
Chief, U.S. District Judge

HARBIN'S, INC., an Alabama  
corporation, MICHAEL G. HARBIN,  
and HOPE D. HARBIN PATTERSON,

Defendants.

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**PLAINTIFF STEELCASE INC.'S BRIEF IN SUPPORT OF**  
**MOTION FOR LEAVE TO FILE**  
**MOTION FOR SUMMARY JUDGMENT ON**  
**PLAINTIFF'S CLAIM OF PIERCING THE CORPORATE VEIL**

Pursuant to the Court's Scheduling Order in this matter, all motions for summary judgment were to be filed with the Court on or before April 29, 2005.

Plaintiff Steelcase timely filed a Motion for Partial Summary Judgment on the question of the interpretation of the personal Guaranties which are the subject matter of Count II of plaintiff's Complaint.

Defendant Michael Harbin timely filed a Motion for Summary Judgment on both the question of the proper interpretation of the personal Guaranties and also seeking summary judgment on plaintiff's claim for piercing the corporate veil.

Plaintiff Steelcase has filed its responsive brief and supporting documents in opposition to defendant Michael Harbin's Motion for Summary Judgment. In support of its response regarding the claim of piercing the corporate veil, Steelcase relies on the

deposition testimony of defendant Michael Harbin given both in this lawsuit and in an earlier divorce action between himself and his former wife, defendant Hope Harbin Patterson. Steelcase also relies on Michael Harbin's Affidavit submitted in support of his Motion for Summary Judgment.

In short summary, substantially all of Steelcase's proof in support of its claim to pierce the corporate veil is based on admissions found in defendant Michael Harbin's own sworn testimony. All of that evidence is now before the Court.

Steelcase believes that not only does that evidence prevent summary judgment against Steelcase on the piercing the corporate veil claim, but as admissions of defendant Michael Harbin, that evidence supports summary judgment in Steelcase's favor on that claim.

Plaintiff Steelcase is admittedly late in filing a motion for summary judgment on the piercing the corporate veil claim. However, all of the factual evidence and legal authority in support of summary judgment of that claim in favor of Steelcase is already before the Court. Presumably, defendant Michael Harbin has presented whatever evidence he has opposing summary judgment in his motion and supporting papers already filed with the Court. There is nothing in the material that Steelcase has filed that was not previously known to defendant Michael Harbin, since it all involves his own sworn testimony.

This Court has scheduled oral argument on all of the summary judgment motions for June 17, 2005. Pursuant to the local court rules, defendant Michael Harbin is entitled to file a reply brief, in which he is free to address any argument or evidence raised by plaintiff Steelcase. Plaintiff Steelcase is not seeking the opportunity to file an

additional brief, so granting this motion and allowing Steelcase to file a motion for summary judgment on the piercing the corporate veil claim will in no way delay the adjudication of this action. Instead, having such a motion before the Court could expedite the ultimate resolution of the entire matter.

Counsel for plaintiff Steelcase and defendant Michael Harbin have conferred pursuant to Local Court Rule 7(d), and defendant Michael Harbin does not object to the present motion for leave (although he, of course, does object to the attached summary judgment motion).

Respectfully submitted,

MILLER JOHNSON  
Attorneys for Plaintiff, Steelcase Inc.

Dated: May \_\_\_, 2005

By /s/ Jon G. March  
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